

Judge Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	
)	NO. CRO6-0432RBL
Plaintiff,)	
)	ORDER CONTINUING
v.)	TRIAL
)	
KENNETH BERNARD CAGE,)	
)	
Defendant.)	

THIS MATTER came before the Court upon the motion of the defendant, KENNETH BERNARD CAGE, by and through his attorney, John R. Crowley, and the United States of America, by and through John McKay, United States Attorney for the Western District of Washington, Douglas B. Whalley and Matthew H. Thomas, Assistant United States Attorneys for said District, requesting a continuance of the trial date.

Having considered all the files and records herein,

THIS COURT FINDS, pursuant to Title 18, United States Code, Section 3161(h)(8)(B)(iv), that failure to grant the continuance in this case, which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), would deny counsel for the defendant the reasonable time necessary for effective preparation, due to counsel's need for more time to review the evidence and consider possible defenses, taking into account the exercise of due diligence;

THIS COURT FINDS, pursuant to Title 18, United States Code, Section

3161(h)(7), that this is a reasonable period of delay in that the parties met recently to review the evidence in the case, that there has been delay due to weather, that this case is related to a three-defendant case that is pending trial in April, that the parties are involved in on-going negotiations, and that the defendant has requested more time to prepare for trial, and the defendant has indicated that he will file a waiver of speedy trial in support of this motion.

THIS COURT FINDS, therefore, that pursuant to Title 18, United States Code, Section 3161(h)(8)(A), the ends of justice will best be served by a continuance, and that they outweigh the best interests of the public and the defendant in a speedy trial.

THIS COURT FURTHER FINDS that all of the additional time requested between the original trial date of January 8, 2007, and the new trial date is necessary to provide counsel for the defendants the reasonable time necessary to prepare for trial.

NOW, THEREFORE, IT IS HEREBY ORDERED that the trial date will be continued until March 5, 2007 at 9:00 a.m. Pretrial motions are due by February 6, 2007. For the reasons set forth above, the time between the original date and the new trial date is excluded in computing the time within which a trial must be held pursuant to Title 18, United States Code, Section 3161, et. seq.

IT IS SO ORDERED this 22nd day of December, 2006.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

Presented by:

s/ Douglas B. Whalley
DOUGLAS B. WHALLEY
Assistant United States Attorney

s/ Matthew H. Thomas
MATTHEW H. THOMAS
Assistant United States Attorney

s/John R. Crowley
JOHN R. CROWLEY
Attorney for Kenneth Bernard Cage